

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/631,937	07/31/2003	Mark J. Levine	930009-2011	9678	
20999	7590 10/11/2005		EXAMINER		
FROMMER LAWRENCE & HAUG			LONEY, DONALD J		
745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ART UNIT	PAPER NUMBER	
11211 10101,	,		1772		
			DATE MAILED: 10/11/200	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action						
Before the Filing of an Appeal Brief						

Applicant(s)		
LEVINE ET AL.		
Art Unit		
1772		

•	LXammor	741. 0111.				
	Donald Loney	1772				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
THE REPLY FILED 23 September 2005 FAILS TO PLACE TH	IS APPLICATION IN CONDITION	FOR ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to or of this application, applicant must timely file one of the following the application in condition for allowance; (2) a N (3) a Request for Continued Examination (RCE) in comparing time periods:	on the same day as filing a Notice o owing replies: (1) an amendment, a otice of Appeal (with appeal fee) in	f Appeal. To avoid at ffidavit, or other evide compliance with 37 (ence, which CFR 41.31; or			
a) The period for reply expiresmonths from the mailing date of the final rejection.						
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
een filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have						
DEEN filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened stabove, if checked. Any reply received by the Office later than three month parned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	atutory period for reply originally set in the	final Office action; or (2)	as set forth in (b)			
The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).						
AMENDMENTS						
$\mathfrak{B}.$ \square The proposed amendment(s) filed after a final rejection,			because			
(a) They raise new issues that would require further co		TE below);				
(b) They raise the issue of new matter (see NOTE belo	•					
(c)⊠ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) They present additional claims without canceling a		jected claims.				
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.	* **					
The amendments are not in compliance with 37 CFR 1.		ompliant Amendment	(PTOL-324).			
5. Applicant's reply has overcome the following rejection(s						
 Newly proposed or amended claim(s) would be a the non-allowable claim(s). 	allowable if submitted in a separate	, timely filed amendm	ent canceling			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro-		rill be entered and an	explanation of			
The status of the claim(s) is (or will be) as follows: Claim(s) allowed:						
Claim(s) objected to: 22,23.						
Claim(s) rejected: <u>1-21</u> .						
Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
B. The affidavit or other evidence filed after a final action, b						
because applicant failed to provide a showing of good ar	nd sufficient reasons why the affida	vit or other evidence i	s necessary			
and was not earlier presented. See 37 CFR 1.116(e).	a a Nation of Appeal but miss to the	a data of filing a brief	will mat ha			
The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).						
IO. ☐ The affidavit or other evidence is entered. An explanation of the control of the contr						
11. The request for reconsideration has been considered by	ut does NOT place the application i	n condition for allowa	ince because:			
2. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).						
3. Other:		Osen of less				
		Donald Loney Primary Examiner				
		,				

Art Unit: 1772

Continuation of 3. NOTE: Claim 1 contains the new issue as to the guide material attached to the "machine direction edges" and the percent encapsulate being "in a region where the guide is attached to the fabric".